

**REMARKS**

Claims 1, 8 and 9 have been amended to incorporate herein the recitation of claim 7. Claim 2 has been amended to conform with the amendment to claim 1. Claim 7 has been cancelled. Support is also found, for example, at page 9, lines 6-10. No new matter is presented.

Claims 1-9 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

The Examiner considered that the recitation “excluding  $\alpha$ -olefin” in independent claims 1, 8 and 9 is not described in the specification as filed in such a way to reasonably convey to one skilled in the art that Applicants had possession of the claimed invention at the time the application was filed.

The Examiner also notes that the present specification discloses that the amorphous resin used in the present invention includes PETG, polycarbonate resin, polyacrylate resin, acrylic resin such as polyethyl methacrylate and polyolefin resin such as polypropylene and polyethylene at page 6, lines 19-23.

Applicants respectfully submit that the recitation “excluding  $\alpha$ -olefin” is supported by the specification as filed. Namely, if alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See MPEP § 2173.05(i). Thus, since the specification discloses the above-noted alternative elements of the invention as noted by the Examiner, the specification supports a negative limitation excluding such elements.

Additionally, as indicated in the Amendment filed February 2, 2006 when the recitation “excluding  $\alpha$ -olefin” was initially introduced, support is found, for example, by reference to Comparative Examples 13 and 14 of the specification, where the viscosity modifier (B)

contained 82 % by weight and 72 % by weight, respectively, of ethylene as a monomer unit, which compositions were found to be inferior with respect to anti-draw down effect due to presence of the ethylene monomer unit as a main component.

Notwithstanding the above and without conceding the merits of the rejection, claims 1, 8 and 9 have been amended herein to recite “. . . 0 to 92% by weight of a unit (c) derived from at least one monomer selected from the group consisting of aromatic vinyls and vinyl cyanides”.

The basis of the amendment can be found in the description at page 9, lines 6-10, which states, “specific examples of the other vinyl monomer (c) copolymerizable with the alkyl(meth)acrylate (b) are aromatic vinyls such as styrene,  $\alpha$ -methylstyrene and chlorostyrene and vinyl cyanides such as acrylonitrile and methacrylonitrile. These can be used alone or two or more kinds can be used together.” See also original claim 7.

The Examiner considered that an alpha-olefin is not excluded but rather is recommended on the basis of the description on page 6, lines 19-23. But, this is a misunderstanding by the Examiner. In support thereof, the Examiner refers to the single-underlined parts of the following description. However, as understood from the description of the double-underlined parts in the following description, what is recommended is not an “other vinyl monomer (c) in the viscosity modifier (B)” but an “amorphous resin for inhibiting crystallization of the thermoplastic polyester resin (A)”.

[0018] Crystalline polyester resin generally tends to be crystallized depending on processing conditions such as the cooling temperature and the discharge amount and when the crystallinity is high, impact strength tends to decrease. By adding amorphous resin to crystalline polyester resin, crystallization is inhibited and high impact strength can be exhibited under a wide range of processing conditions.

[0019] As the amorphous resin used in the present invention, known resins are used. Examples are amorphous polyester resin such PETG, polycarbonate resin, polyarylate resin, acrylic resin such as polymethyl methacrylate and polyolefin resin such as polypropylene and polyethylene. Of these, from the viewpoint that crystallization inhibiting efficiency is excellent, PETG and polycarbonate resin are preferable.

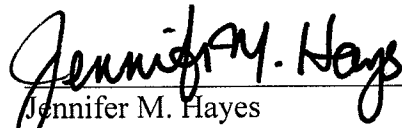
Accordingly, Applicants respectfully submit that the present claim language is supported by the specification as originally filed.

Withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Jennifer M. Hayes  
Registration No. 40,641

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: December 19, 2007